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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,264	03/05/2001	Carl H. Poppe	RHE1P004	3769
22434	7590	01/11/2005	EXAMINER	
BEYER WEAVER & THOMAS LLP			BOCHNA, DAVID	
P.O. BOX 70250			ART UNIT	
OAKLAND, CA 94612-0250			PAPER NUMBER	
			3679	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,264

Applicant(s)

POPPE, CARL H.

Examiner

David E. Bochna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 and 56-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-36 and 40-54 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-6, 8, 37, 56-57, 59-60, 62 is/are rejected.
- 7) ☒ Claim(s) 4, 7, 9, 10, 38, 39, 58, 61 and 63 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. Claims 4, 7, 9-10, 38-39, 58, 61, and 63 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
2. Claims 11-36 and 40-54 are allowed.
3. The indicated allowability of claims 2-3, 5-6 and 8 is withdrawn in view of the newly applied reference(s) to Lamont. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5-6, 8, 37, 56-57, 59-60 and 62 are rejected under 35 U.S.C. 102(b) as being anticipated by Lamont.

In regard to claims 1, 2 and 56, Lamont discloses a high pressure fluid fitting assembly for a fluid-tight coupling of a tube member, having a conduit 9, to a connector member 7 having a receiving port each defined by an interior sealing wall 8 and a bottom end wall, and formed for sliding receipt of a corresponding tube member 9 until a distal end thereof seats against the bottom end wall, the connector member further defining a passage extending therethrough and terminating in a corresponding receiving port, the fitting assembly comprising:

a device 17 having a proximal surface (right side of 17) and an opposite distal surface

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(left side of 17) facing toward the connector member, and having an alignment passage extending from the proximal face to the distal face for sliding receipt of a respective tube member 9 therethrough; and

a ferrule device 21 each having a proximal tube engaging portion 22, an opposite distal sealing portion (exterior of 26) and a tube receiving passage extending from the tube engaging portion to the sealing portion and formed for receipt of a respective tube member therethrough, each of the tube engaging portion being formed and dimensioned to contact a respective alignment wall 17 of the contact device and each of the sealing portion 26 of the ferrule device being formed and dimensioned to contact a respective sealing wall 8 of the connector member 7 such that when a compression force is increasingly applied to the contact device in the direction toward the connector member, the alignment wall of the contact device 17 non rotationally contacts the tube engaging portions of the ferrule devices in a manner causing an interior gripping surface 22 thereof to increasingly radially gripping the corresponding tube members for movement of the ferrule devices and the RAM device, as a unit, toward the connector member to increasingly urge the ferrule device sealing portions into fluid sealing engagement with the connector member sealing wall and to fluidly couple the tube member conduits to the corresponding connector member passage, and increasingly urge the distal end of the tube member into seated engagement with the bottom end wall of the connector member, and further including a spanner nut 15 defining an access port for receipt of the tube member 9 therethrough, adapted to engage the ram contact device to exert the compression force.

In regard to claims 3 and 57, the sealing portion of the ferrule device 21 includes a

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sealing surface (exterior of 26) tapering inwardly toward the distal end thereof, and formed to increase the contact area with the connector member sealing wall 8 as the compression force is increasingly applied.

In regard to claims 5 and 59, the tube engaging portion of the ferrule device includes an interior gripping surface (interior of 22) defining at least a portion of the tube receiving passage proximate the tube engaging portion, the interior gripping surface increasingly circumferentially gripping the tube member as the compression force is increasingly applied.

In regard to claims 6 and 60, the interior alignment wall of the contact device includes a contacting wall 17 tapering inwardly in a direction toward the proximal surface, and

The tube engaging portion of the ferrule device includes a proximal contacting rim 22 adapted to contact the inwardly tapered contacting wall of the contact device in a manner causing the interior gripping surface of the ferrule device tube receiving passage to increasingly radially engage the tube member.

In regard to claim 8 and 62, the proximal end of the ferrule device tube engaging portion tapers inwardly to define the contacting rim (see 22 in fig. 4).

In regard to claim 37, Lamont discloses a fluid fitting assembly for a fluid-tight coupling of a tube member, having a conduit 9, to a connector member 7 having a receiving port defined by an interior sealing wall and formed for sliding receipt of the distal end of said tube member therein, said connector member further defining a passage extending therethrough and terminating in the receiving port, said fitting assembly comprising:

A contact device 19 having proximal surface and an opposite distal surface facing toward said connector member, and having an interior alignment wall defining an alignment passage

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extending from the proximal face to the distal face for sliding receipt of the tube member therethrough, and including a contacting wall 17 tapering inwardly in a direction toward the proximal surface; and a ferrule device 21 having a proximal tube engaging portion, an opposite distal sealing portion and a tube receiving passage extending from the tube engaging portion to the sealing portion and formed for receipt of the tube member therethrough, said tube engaging portion including a proximal contacting rim adapted to contact the inwardly tapered contacting wall of the contact device and an interior gripping surface defining at least a portion of the tube receiving passage, and said sealing portion being formed and dimensioned to contact the connector member sealing wall such that when a compression force is increasingly applied to the contact device 19 in the direction toward the connector member, the contact device alignment wall non-rotationally contacts the ferrule device tube engaging portion in manner increasingly causing the interior gripping surface to radially grip the tube member for movement of the ferrule device and the contact device, as a unit, toward the connector member to increasingly urge the ferrule device sealing portion into fluid sealing engagement with the connector member sealing wall and to fluidly couple the tube member conduit to the connector member passage.

Response to Arguments

6. Applicant's arguments with respect to claims 1-3, 5-6, 8, 37, 56-57, 59-60 and 62 have been considered but are moot in view of the new ground(s) of rejection.

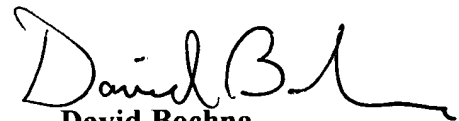
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

A handwritten signature in black ink, appearing to read "David Bochna", with a stylized flourish at the end.

David Bochna
Primary Examiner
Art Unit 3679
January 4, 2005